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10 Counsel for Defendant and Counter-Plaintiff

11 RHAPSODY INTERNATIONAL, INC.

12
13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**

16 iMTX STRATEGIC, LLC,

17 Plaintiff and Counter-Defendant,

18 v.

19 RHAPSODY INTERNATIONAL, INC.,

20 Defendant and Counter-Plaintiff.

Case No. 4:15-CV-00594-JSW

**DEFENDANT RHAPSODY
INTERNATIONAL, INC.'S NOTICE OF
JOINDER**

1 Defendant Rhapsody International, Inc. (“Rhapsody”) hereby joins Defendants Vimeo,
2 LLC, Spotify USA Inc., Hulu, LLC, and Netflix, Inc.’s (collectively, “Moving Defendants”)
3 Motion to Stay Pursuant to Section 18(b) of the America Invents Act (*e.g.*, Case No. 4:15-cv-
4 00592-JSW, Dkt. No. 58). To avoid burdening the Court with duplicative materials, Rhapsody
5 joins the Motion to Stay based on the reasons set forth below.

6 Moving Defendants filed petition for Covered Business Method review of each of claims
7 1-23 of U.S. Patent No. 7,269,854 (the ’854 patent). The ’854 patent is the sole patent asserted
8 against Rhapsody in the present action. Rhapsody has not filed any petition for review of the ’854
9 patent before the Patent Trial and Appeal Board of the U.S. Patent and Trademark Office
10 (“PTAB”), nor is Rhapsody a party to any such proceeding. As a non-petitioning Defendant,
11 Rhapsody believes a stay in this case is appropriate because a stay is likely to eliminate or simplify
12 issues for trial in this proceeding should the PTAB find the claims of ’854 patent invalid in whole
13 or in part. At a minimum, the PTAB’s final decision will impact the Plaintiff’s asserted claims.
14 Moreover, Plaintiff will suffer no undue prejudice as Plaintiff’s case against Rhapsody is at a very
15 early stage, and a stay will reduce the burden on the Court and the parties by allowing the PTAB
16 to make its determination as to the validity of the ’854 patent. For these reasons, Rhapsody joins
17 and respectfully requests that the Court grant Defendants’ Motions to Stay.

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19 DATED: June 11, 2015

Respectfully submitted,

20 **KILPATRICK TOWNSEND & STOCKTON LLP**

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22 By: s/Mehrnaz Boroumand Smith
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24 Counsel for Defendant and Counter-Plaintiff
RHAPSODY INTERNATIONAL, INC.